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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Toshiki KINDO et al. Group Art Unit: 2163
Appl. No. : 09/989,151 Examiner: Hanh B. Thai
Filed : November 21, 2001 Confirmation No.: 9437
For : INFORMATION DISTRIBUTION SYSTEM AND METHOD

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

In response to the Final Official Action of January 20, 2006, and concurrently with the filing of a Notice of Appeal, Applicants respectfully request a pre-appeal brief panel to review and withdraw the outstanding rejection. Further, Applicants request an indication of the allowability of all claims pending in the present application in view of the herein contained remarks.

Remarks begin on page 2 of this paper.

REMARKS

As an initial matter, Applicants wish to address the Examiner's statement, at page 2 of the Final Office Action, that the drawings submitted with the Response filed on November 14, 2005 (Figures A and B) will not be entered because they include new matter. Applicants respectfully submit that, at page 8 of the Response, Applicants specifically stated that the drawings were provided to the Examiner "merely to illustrate differences between [Applicants'] disclosed embodiment and the applied prior art." Applicants respectfully submit that the Examiner would have recognized that the drawings were not being added to the application, if he had carefully reviewed Applicants' remarks.

Applicants respectfully traverse the Examiner's rejection of claims 20-24 under 35 U.S.C. § 103(a) as being unpatentable over Klein et al. (U.S. Patent No. 5,872,850) in view of Ariyoshi (U.S. Patent No. 6,408,288) and Driscoll (U.S. Patent No. 5,717,913), and the rejection of claims 25-28 under 35 U.S.C. § 103(a) as being unpatentable over Klein et al. in view of Ariyoshi.

Applicants submit that claims 21 and 22 were cancelled in the Amendment filed on November 14, 2005 (their subject matter having been incorporated into claim 20), and submit the following, as examples of clear legal and factual deficiencies in the outstanding rejection of claims 20 and 23-28:

A. The combination of Klein, Ariyoshi and Driscoll fails to disclose or suggest a personal profile that includes at least one evaluation of a keyword, as recited in Applicants' independent claims 20, 25 and 26.

Examiner's position: Klein discloses, at col. 3, line 43 – col. 4, line 6 and col. 5, lines 13-27, a user profile which includes ratings given to items by a user. See page 2 of the Office Action of January 25, 2005.

Applicants' position: In Klein's system, a user rates items, such as sound recordings, movies, restaurants, vacation destinations, novels, or World Wide Web pages, not "keywords" contained in distribution information. See col. 3, lines 43-48. Although an item may sometimes include words, it is the item itself, not words included in the item, which the user rates.

B. The combination of Klein, Ariyoshi and Driscoll fails to disclose or suggest an information distributor or information filter that rates distribution information based on the personal profile and sends the distribution information to a client, as recited in Applicants' independent claims 20, 25 and 26.

Examiner's position: The Examiner asserts that col. 1, lines 47-63, col. 4, lines 7-60 and col. 5, lines 13-27 of Klein discloses these features. See page 5 of the Final Office Action of January 20, 2006.

Applicants' position: The portion of Klein which the Examiner refers to describes a system in which items are rated, and the item ratings are distributed to users of the

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system. Applicants respectfully submit that Klein fails to disclose or suggest that the rating system distributes the rated items to a user. Rather, Applicants submit that Klein's rating system only distributes item ratings (not the items themselves) to users, as Klein's invention is directed towards recommending items (such as restaurants and vacation destination) to users.

C. The combination of Klein, Ariyoshi and Driscoll fails to disclose or suggest an information distributor which includes the combination of a first information filter which rates distribution information from a first information distribution provider and performs a learning process that changes at least one evaluation value of a keyword in the personal profile, and a second information filter which rates distribution information from a second information distribution provider but which does not perform the learning process, as recited in independent claim 20.

Examiner's position: At page 6 of the Final Office Action, the Examiner asserts that col. 1, lines 47-51, col. 3, line 43 – col. 4, line 6, and col. 23, lines 20-28 of Klein discloses the claimed first information filter. At pages 6-7 of the Final Office Action, the Examiner acknowledges that Klein does not disclose the claimed second information filter, but asserts that Driscoll teaches a second filter which does not perform a learning process, and asserts that it would have been obvious to modify Klein with Driscoll in order to enhance the relevance retrieval of subsequent documents.

Applicants' position: Applicants respectfully submit that Driscoll does not disclose an

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evaluation value which is included in a personal profile. Thus, it is submitted that Driscoll's filter does not rate distribution information based on an evaluation value included in a personal profile. Applicants further submit that, as Driscoll only discloses a single filter, it does not disclose or suggest an information distributor which includes two filters which share a common personal profile but rate distribution information from two different information distribution providers, where a first filter performs a learning process but the second filter does not.

SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect.

Should the Examiner have any questions or comments regarding the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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